



**DEPARTMENT OF DEFENSE
DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS
APPEAL BOARD
POST OFFICE BOX 3656
ARLINGTON, VIRGINIA 22203
(703) 696-4759**

Date: November 17, 2025

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Andrea M. Corrales, Esq., Deputy Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On April 12, 2024, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline F (Financial Considerations) of the National Security Adjudicative Guidelines (AG) in Appendix A of Security Executive Agent Directive 4 (effective June 8, 2017) and DoD Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). On August 12, 2025, Defense Office of Hearings and Appeals Administrative Judge Candace Le'i Garcia denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Discussion

The SOR initially alleged five delinquent consumer accounts totaling approximately \$28,500. In his answer to the SOR, Applicant denied all five allegations. At his hearing in early February 2025, Applicant disclosed that he owed approximately \$10,000 in federal taxes, and the Government moved to amend the SOR to conform to the evidence, adding an allegation that Applicant was indebted to the federal government in the approximate amount of \$10,000 for

unpaid taxes. Applicant denied this allegation as well, and a second hearing was held in late February 2025 to address the new allegation. At the second hearing, the Judge received additional testimony from Applicant on the tax allegation and admitted Applicant Exhibit (AE) G. The Judge kept the record open until March 10, 2025, to allow Applicant an opportunity to submit additional documents but noted in her decision that Applicant failed to submit anything further. The Judge found favorably for Applicant on one consumer debt and adversely on the other four consumer debts and on the tax allegation.

On appeal, Applicant focuses exclusively on the tax allegation. He contends that the Judge “erred as a matter of **fact and law** by failing to find that the Applicant had established a ‘good-faith effort’ to resolve the tax debt,” that she failed to consider “his consistent cooperation with the IRS,” and that she “overlooked **key record evidence** and minimized the Applicant’s testimony and [AE] G, raising due process concerns regarding the fair evaluation of the record.” Appeal Brief at 5 (emphasis in original). In support of these arguments, Applicant implies that he submitted documents post-hearing to the Judge that were not considered in her decision, asserting: “The Judge acknowledged that only a single-page excerpt of the IRS transcript was submitted at the hearing, even though the record was left open until March 10 for full submissions. The final decision did not reflect consideration of this complete record, suggesting **mitigating evidence was either overlooked or undervalued.**” *Id.* at 6 (emphasis in original). Elsewhere in his Appeal Brief, Applicant makes a contradictory assertion — that he provided eight pages of IRS tax documents in AE G. *Id.* at 4.

Our review of the record establishes that AE G consisted of eight pages, of which seven pertain to various consumer debts. AE G at 1–5, 7–8. There is a single page that is recognizable as part of an IRS tax account transcript. *Id.* at 6. Because it is not the first page of the transcript, it is impossible to know what tax year it pertains to, but it documents activity beginning in May 2017 and ending in October 2023. The excerpt substantiates Applicant’s testimony in two regards: that he made two payments of \$250—in September and October 2018—and that the IRS determined in early 2020 that the account was currently not collectible due to hardship. *Id.* The Judge explicitly considered those facts in her decision prior to resolving this allegation adversely. Decision at 4, 6. Despite Applicant’s ambiguous and contradictory references to submitting further documentation, we find nothing in the record or his brief to corroborate these claims. He provides no details whatsoever about any further submissions or a copy of what was purportedly emailed. Applicant’s vague suggestion that he provided documents is not sufficient to establish a *prima facie* showing that he actually submitted additional evidence or documents that were not included in the record. Applicant has not established that he was denied the due process afforded by the Directive.

The remainder of Applicant’s brief amounts to a disagreement with the Judge’s weighing of the evidence. None of his arguments, however, are sufficient to establish the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Directive ¶ E3.1.32.3. Applicant failed to establish that the Judge committed any harmful error or that he should be granted any relief on appeal. “The general standard is that a clearance may be granted only when ‘clearly consistent with the interests of the national security.’” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” AG ¶ 2(b).

Order

The decision in ISCR Case No. 24-00550 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Jennifer I. Goldstein

Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board